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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,447	12/12/2003	William H. Shepard	05918-209001 / 99999	2020
26161	7590	03/23/2006	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			BRITTAIN, JAMES R	
			ART UNIT	PAPER NUMBER
			3677	
DATE MAILED: 03/23/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/735,447	Applicant(s) SHEPARD ET AL.	
	Examiner James R. Brittain	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19-27 is/are pending in the application.
- 4a) Of the above claim(s) 19-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

The indicated allowability of claims 1-17 is withdrawn in view a review and the disclosure of Jackson (US 5699593) and a particular application thereover. The inconvenience to applicant is regretted.

### ***Election/Restriction***

Claims 19-27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on July 15, 2005

### ***Drawings***

The replacement drawings submitted January 3, 2006 are approved.

### ***Claim Objections***

Claim 14/13/12/8/1 is objected to because of the following informalities: The term "the open areas" lacks clear antecedent basis for this chain of dependencies. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Jackson (US 5699593) in view of Harwood (US 3047444).

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Jackson (figure 8) teaches a loop material for touch fastening comprising a web on nonwoven fibrous material defining a plane as indicated in col. 5, lines 32-35, wherein nonwoven material and extrusion coated nonwoven material is listed. There are linear raised areas 82, elevated above the plane of the web, defining loops constructed for engagement with male touch fastener elements. The transversely oriented loop material is pattern bonded 81 by conventional adhesive bonding (col. 6, line 63 - col. 7, line 25) so as to better secure the loop material to the substrate. The bond pattern forms quadrilaterals with the lines of loop material 82 crossing the bond pattern. Thus, the loop material is surrounded by the quadrilateral bond pattern 81 while anchoring the loop material at the points of intersection between the lines of loop material 82 and bond pattern 81. Since only a small fraction of the web is covered by the loop material, there is ample areas of the web material not covered by the loop material that is planar (claim 1), open from any loop material (claim 2) and between the bond pattern lines 81. The difference is that bond pattern is not identified as creating ribs. However, conventional adhesive bonding is evidenced by Harwood (figures 15-17, 34) teaches loop material comprising a web of nonwoven fibrous material defining a plane, the web including raised areas shown in figure 17, elevated above the plane of the web, defining loops and rib areas 6, 67 surrounding the raised areas to anchor the loops. It would have been obvious to modify Jackson to utilize the conventional adhesive ribs taught by Harwood to secure the loops in view of Jackson teaching that conventional adhesive pattern bonding can be used and Harwood is an example of such pattern bonding.

As to claims 2 and 14, as indicated above, Jackson suggests the open areas. However, Harwood also suggests the use of voids in the substrate so as to form a net.

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As to claim 6, Jackson suggests extrusion coated nonwoven material and one having ordinary skill in the art would realize that a polymeric coating is a standard coating from this teaching.

As to claims 9 and 10, the linear loop members 82 have a width so as to define narrow domes or have portions at the pattern bonds 81 that define short linear elements that together with the long axial edges of the loop material form polygons. The choice of rings or ellipses for the pattern bonding would have been obvious in view of Jackson suggesting many different shapes including wave-shaped or random (col. 7, lines 22-25) and applicant has chosen a particular pattern from Jackson's indication of this being a variable that can be adjusted.

### ***Response to Arguments***

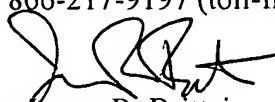
While there are differences from the applied art, the claim construction has been reviewed and the above rejections made.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James R. Brittain  
Primary Examiner  
Art Unit 3677

JRB